



U.S. Department of Justice

United States Attorney  
Eastern District of New York

271 Cadman Plaza East  
Brooklyn, New York 11201

August 14, 2014

By ECF

Honorable Nicholas G. Garaufis  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Marius v. USCIS et al, CV-14-3709  
(Garaufis, J.) (E.D.N.Y.)

Dear Judge Garaufis:

Respondents respectfully write to request that this action be dismissed as moot.

Petitioner seeks an order directing United States Citizenship and Immigration Services ("USCIS") to adjudicate an application for adjustment of status filed by Petitioner. USCIS approved the application on August 12, 2014. A copy of the first page of the application, stamped "approved", is annexed hereto.

Thus, this action is now moot. Accordingly, Respondents respectfully request that the Court issue an order (1) dismissing this action with prejudice and (2) directing the Clerk of the Court to enter judgment accordingly.

Respectfully submitted,

LORETTA E. LYNCH  
United States Attorney

By: /s/ \_\_\_\_\_  
ELLIOT M. SCHACHNER  
Assistant U.S. Attorney  
(718) 254-6053

cc: Jennifer Oltarsh, Esq.  
Attorney for Petitioner  
(by ECF)

*Disposition approved as  
stated above. Enter judgment.  
So ordered.*

s/Nicholas G. Garaufis

*8/18/14*

*U*

OMB No. 1615-0023  
**Form I-485 Application to Register  
Permanent Residence or Adjust Status**

**START HERE - Type or Print (Use black ink)**

**For USCIS Use Only**

**Part 1. Information About You**

Family Name (Last Name)	Given Name (First Name)	Middle Name
MARIUS	PATRICK	MICHAEL
Address - Street Number and Name		
60-84 69th Avenue		
Apt. #		
3		
City		
RIDGEWOOD		
State		
NEW YORK		
Zip Code		
11385		
Date of Birth (mm/dd/yyyy)		
[REDACTED]		
Country of Birth		
Guyana		
Country of Citizenship/Nationality		
St. Lucia		
U.S. Social Security # (if any)		
[REDACTED]		
A # (if any)		
096108-50		
Date of Last Arrival (mm/dd/yyyy)		
8-18-98		
I-94 #		
APPLIED TO 2		
Current USCIS Status		
Visitor		
Expires on (mm/dd/yyyy)		
2-17-99		

Returned	Receipt
Resubmitted	MSC1290098353
Reloc Sent	10/31/2011
Reloc Rec'd	
Applicant Interviewed	1/10/2014

**Part 2. Application Type (Check one)**

- I am applying for an adjustment to permanent resident status because:
- ☐ An immigrant petition giving me an immediately available immigrant visa number that has been approved. (Attach a copy of the approval notice, or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
  - ☒ My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
  - ☐ I entered as a K-1 fiancé(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e). (Attach a copy of the fiancé(e) petition approval notice and the marriage certificate.)
  - ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
  - ☐ I am a native or citizen of Cuba admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least 1 year.
  - ☐ I am the husband, wife, or minor unmarried child of a Cuban described above (e), and I am residing with that person, and was admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least 1 year.
  - ☐ I have continuously resided in the United States since before January 1, 1995.
  - ☒ Other basis of eligibility. Explain (for example, I was admitted as a refugee, my status has not been terminated, and I have been physically present in the United States for 1 year after admission). If additional space is needed, see Page 2 of the instructions.

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the United States as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- ☐ I am a native or citizen of Cuba and meet the description in (e) above.
- ☒ I am the husband, wife, or minor unmarried child of a Cuban and meet the description in (f) above.

- Section of Law**
- ☐ Sec. 209(a), INA
  - ☐ Sec. 209(b), INA
  - ☐ Sec. 13, Act of 9/11/57
  - ☐ Sec. 245, INA
  - ☐ Sec. 249, INA
  - ☐ Sec. 1 Act of 11/2/66
  - ☐ Sec. 2 Act of 11/2/66
  - ☐ Other

**Country Chargeable**

St. Lucia

**Eligibility Under Sec. 245**

- ☐ Approved Visa Petition
- ☐ Dependent of Principal Alien
- ☐ Special Immigrant
- ☒ Other

**APPROVED**

U.S. Citizenship and Immigration Services

U.S. Attorney or Representative, if any

Fill in box 8 Form G-28 is attached to this application

UP6075

VOL. 1 and Immigration

ATTY State License #

**Motions**

1:14-cv-03709-NGG Marius v.  
Department of Homeland  
Security et al

MJSELECT-VMS

**U.S. District Court****Eastern District of New York****Notice of Electronic Filing**

The following transaction was entered by Schachner, Elliot on 8/14/2014 at 12:15 PM EDT and filed on 8/14/2014

**Case Name:** Marius v. Department of Homeland Security et al

**Case Number:** 1:14-cv-03709-NGG

**Filer:** Department of Homeland Security  
United States Citizenship & Immigrant Services

**Document Number:** 6

**Docket Text:**

**MOTION to Dismiss by Department of Homeland Security, United States Citizenship & Immigrant Services. (Schachner, Elliot)**

**1:14-cv-03709-NGG Notice has been electronically mailed to:**

Elliot M. Schachner    Elliot.Schachner@usdoj.gov, USANYE-CRDOCKET@usdoj.gov

Jennifer Oltarsh    jenniferoltarsh@oltarsh.com, info@oltarsh.com

**1:14-cv-03709-NGG Notice will not be electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP NYEDStamp\_ID=875559751 [Date=8/14/2014] [FileNumber=8998463-0]

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